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REED, and COASTAL PROTECTION
RANGERS, INC.

20
21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
23

24 CORY SPENCER, an individual;
25 DIANA MILENA REED, an
individual; and COASTAL
26 PROTECTION RANGERS, INC., a
California non-profit public benefit
corporation,

27 CASE NO. 2:16-cv-02129-SJO (RAOx)

28 **DECLARATION OF SEF KRELL IN
SUPPORT OF PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION**

Date: February 21, 2017

Time: 10:00 a.m.

Judge: Honorable S. James Otero

1	Plaintiffs,	Ctrm.: 10C 1st Street Courthouse
2	v.	
3	LUNADA BAY BOYS; THE 4 INDIVIDUAL MEMBERS OF THE 5 LUNADA BAY BOYS, including but not limited to SANG LEE, BRANT 6 BLAKEMAN, ALAN JOHNSTON AKA JALIAN JOHNSTON, 7 MICHAEL RAE PAPAYANS, ANGELO FERRARA, FRANK 8 FERRARA, CHARLIE FERRARA, 9 and N. F.; CITY OF PALOS 10 VERDES ESTATES; CHIEF OF POLICE JEFF KEPLEY, in his 11 representative capacity; and DOES 1-10,	Complaint Filed: March 29, 2016 Trial Date: November 7, 2017
12		
13	Defendants.	
14		

15 I, Sef Krell, declare as follows:

16 1. I am a longtime surfer, and surfed regularly in the South Bay. I
17 have been license to practice law for over 20 years. I have personal
18 knowledge of the facts set forth herein, except as to those stated on
19 information and belief and, as to those, I am informed and believe them to
20 be true. If called as a witness, I could and would competently testify to the
21 matters stated herein.

22 2. On or around November 15, 2014 I parked on the cliff on Paseo
23 Del Mar and went down the "goat trail" towards Lunada Bay with my board,
24 my back pack, my wet suit and gear in my back pack. On my way down, I
25 came across two local surfers- white males, between 25 to 35 years of age,
26 who verbally assaulted me. These men asked me what I was doing, and
27 made comments like "who did I think I was," "don't surf here" and hurled

1 other confrontational remarks. I passed them and headed down the trail;
2 when I was in the narrow part of the trail, most exposed, to the two criminals
3 from above, threw dirt clods and rocks at me. Fortunately, I was not struck
4 by any of the dirt clods or rocks.

5 3. I then headed down to the base of the cliff where I began
6 changing my wet in anticipation of paddling out to surf. I was then and there
7 confronted by a local Bay Boy. To describe this Bay Boy, I believe he was
8 blond haired, blue eyes, was wearing a straw hat, Caucasian, fairly white to
9 reddish skin probably 5'7 to 5' 10, and weight145 to 160 pounds. I could
10 have identified at the time him if I was shown a picture of him. (He may have
11 been one of the guys in the video with the straw hat. He wore a straw hat).
12 Anyhow, this Bay Boy told me that I should not be surfing there and if I do
13 surf out there I'd be hassled and I should go home. I disregarded same, I
14 tried to make conversation with him in a polite maneuver but he was not
15 having it, just hassling me and repeating "fuck you, fuck you, get out here,"
16 etc.

17 4. I changed into my wetsuit and paddled towards the waves.
18 Regrettably, I left my valuable personal items in my backpack which
19 included a pair of Nike cleats which I use to hike down the hill (\$150.00), an
20 IPhone 4 which I planned to use to document any confrontations (\$350.00),
21 a classic Seiko divers watch had owned for 25 years (\$800.00) and my Ray
22 Ban sunglasses (\$150.00). The surf was not very big that day, maybe 2 to 5
23 feet. I surfed mostly on the inside close to the rocks sort of parallel with the
24 fort. From that point I was maybe at 30 or 40 yards away from my gear
25 which I left on the beach so I could see to the shore line, in any event, the
26 gear that I left on the beach. From the water I saw my personal gear being
27 destroyed by that particular Bay Boy. All of those items were either tossed in

1 the ocean such that I could not retrieve them or some other way vandalized
2 such that I could never use them again.

3 5. After I finished surfing, I headed in and then I had to walk back
4 up the hill in my wetsuit. Luckily I had my key in my wetsuit so I could get
5 back into my car. After that, I drove up to the station and filed a complaint. A
6 copy of the Palos Verdes Estates Police Department Officer Report for
7 Incident 14-11980 is attached to this declaration as **Exhibit 1**.

8 6. The next I heard about the case was when I followed up on my
9 own on or about March of 2015. No one at the station followed up on my
10 complaint. I was told that detective Velda was the handling detective and
11 closed it, without as far as I know any further investigation. I started dealing
12 with Sergeant, Steve Barber who told me that he had hoped to work on the
13 complaint and hoped to see me.

14 7. On December 30, 2015 Garret Therolf authored an article in the
15 Los Angeles Times called "Palos Verdes police chief promises to take on the
16 'Bay Boys' of Lunada." I was interviewed about my experience at Lunada
17 Bay and related the fact that the police never followed through with their
18 investigation. A copy of the article is attached to this declaration as **Exhibit**
19 **2**.

20 8. Once the article was published Sergeant Barber finally contacted
21 me. He set up a series of photographs of maybe 12 to 18 people; none of
22 the people were someone that I could identify as having been an individual
23 who threw my items into the ocean or assaulted me with rocks.

24 9. I am disappointed in the way the City of Palos Verdes Estates
25 and the police department are handling the problem of localism at Lunada
26 Bay. With my situation, it took an article in the Los Angeles Times to get the
27 police to investigate my case. And by that point, there was little chance of

1 catching the people responsible the crimes against me. I would like to see
2 people have free access to the beach and the waters of Lunada Bay without
3 the threat of bodily harm. I would like to see an end to the harassment that
4 keeps teenagers and families from using the area for sports, walking, and
5 beachgoing. Lunada Bay is being limited to and controlled by the local
6 surfers in the area, and I do not feel this is right. I hope that this legal action
7 results in greater protection for the public. The beach belongs to all of us,
8 and we should be able to visit without fear that a few local guys will ruin the
9 experience for all of us.

10 I declare under penalty of perjury under the laws of the United States
11 of America that the foregoing is true and correct.

12 Executed on this 26th day of December, 2016, at LH, California.

13
14 SEF KRELL
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Exhibit 1



PALOS VERDES ESTATES POLICE DEPARTMENT

Officer Report for Incident 14-11980

Nature: ASSAULT
Location: PVEP

Address: 2400 BLK PASEO DEL MAR
PLS VRD EST CA 90274

Offense Codes:

Received By: K. Piazza

How Received: O

Agency: PVEP

Responding Officers:

Responsible Officers: A. Gonzales

Disposition: ACT 11/15/14

When Reported: 12:12:51 11/15/14

Occurred Between: 12:30:00 11/02/14 and 13:30:00 11/02/14

Assigned To:
Status:

Detail:
Status Date: **/**/**

Date Assigned: **/**/**
Due Date: **/**/**

Complainant:

Last:

First:

Mid:

DOB:

Dr Lic:

Address:

Race: W

Sex: M

Phone:

City:

Alert Codes:

Offense Codes

Reported:

Observed: SUR Surfer Incident

Additional Offense: ASS8 242 Assault, Misdemeanor

Additional Offense: VAN2 594 Vandalism, Felony

Additional Offense: SUR Surfer Incident

Circumstances

DAY Day (6 a.m. - 6 p.m.)

WOTHR Other Force or Weapon Used

Responding Officers:

A. Gonzales

Unit:

7L12

Responsible Officer: A. Gonzales

Agency: PVEP

Received By: K. Piazza

Last Radio Log: 12:42:58 11/15/14 CMPLT

How Received: O Officer Report

Clearance: INV Sent for Detective Followup

When Reported: 12:12:51 11/15/14

Disposition: ACT Date: 11/15/14

REDACTED

11/15/14

CITY121

Officer Report for Incident 14-11980

Page 2 of 8

Judicial Status: DONE

Occurred between: 12:30:00 11/02/14

Misc Entry: HELLINGA

and: 13:30:00 11/02/14

Modus Operandi:

Area

Description :

Days of Week

Surrounding area of crime

Facial Hair

Days of the Week

Suspect Actions

Suspects Facial Hair

Time of Day

Suspect Actions

Method :

Public Park

Sunday

Clean Shaven

Used Profanity

Afternoon

Involvements

Date	Type	Description	
11/15/14	Name		Complainant
11/15/14	Cad Call	12:12:51 11/15/14 ASSAULT	Initiating Call
11/15/14	Property	SIL IPHONE 4 APPLE 8GB 250	Destroyed
11/15/14	Property	BLK Glasses COACH --- 280	Damaged
11/15/14	Property	WHI Shoe NIKE AIR 0	Destroyed
11/15/14	Property	SIL Watch SEIKO DIVER 600	Destroyed

REDACTED

11/15/14

CITY122

Officer Report for Incident 14-11980

Page 3 of 8

REDACTED

Narrative

Palos Verdes Estates Police Department
Investigation Narrative

SOURCE: On Saturday, November 15, 2014, I (Officer Gonzales #743) was working uniformed patrol in marked black and white police car #724. At 1212 hours, I was dispatched to the Palos Verdes Estates Police Department lobby in reference to a 240 PC (assault report). Upon arrival, I met with V/ (DOB:

MO: Two unknown suspects throw rocks at V/ as he walks down the trail from the Lunada Bay cliff to the ocean. Once on the beach and in the ocean, a third unknown suspect throws his property into the ocean.

VICTIM'S STATEMENT: V/ told me the following: On Sunday, November Second, 2014, he planned to go surfing at Lunada Bay. At approximately 1230 hours, on the trail leading from the top of Lunada Bay cliff (adjacent to the 2400 block of Paseo Del. Mar) down to the beach, he was confronted by two males walking up the trail. The two males stood in V/ path of travel and started to yell profanities at him. They told him, "Don't surf here" and "bad things will happen if you do". V/ described one of the two males, Suspect One, as being white, in his 20's, approximately 5'8 and 180 lbs with black hair, wearing a white T-shirt, red and brown swim shorts, and tennis shoes. He described the second suspect, Suspect Two, as a white male in his 20's, 5'8" and 180 lbs with blonde hair, wearing a beanie, T-shirt, shorts and vans.

V/ continued walking down the trail and passed the two individuals. When he was lower on the trail and the two suspects were higher on the trail above him, they started to throw rocks down at him. Each suspect threw approximately 2-4 rocks at him as he walked down the trail with each rock being roughly half the size of his palm. The rocks came close to hitting him but none actually made contact with him. He felt they were trying to hit him with the rocks and were only missing. After the suspects threw 2-4 rocks, they stopped and continued up the trail. V/ continued down the trail to the beach.

On the beach, he was confronted by a third suspect, Suspect Three. He described the suspect as a male white, in his 30's, approximately 5'5, 135 lbs, with a thin, muscular build. He was wearing a straw hat with the top dome cut off and straw sticks extended upward from the center. The suspect had blue eyes, no facial hair, and was only wearing blue swim shorts.

S-3 told him, "no one wants you surfing here" and started verbally abusing him. He then came within two feet of V/ and took an aggressive stance. V/ did not respond and walked away from S-3.

V/ entered the ocean and paddled his surfboard out approximately 30 yards. He then looked back at the beach and saw S-3 rifling through his bright neon green and blue backpack. He saw S-3 take his shoes out of the backpack and toss them out into the ocean. After throwing the shoes, S-3 walked to another part of the beach.

V/ went back to his backpack on the beach. He searched for his shoes but was unable to find them in the water. Inside of his shoes, he had his iPhone, glasses and a watch. After searching for a while he was able to find one shoe and his glasses, though his glasses were damaged. He was unable to find his other property. The approximate total value of the damaged/destroyed property was \$1,130.

11/15/14

CITY123

Officer Report for Incident 14-11980

Page 4 of 8

After recovering his shoe and glasses, he left the area and returned to the top of the cliff. He waited as long as he did to report the crime because he was unsure if he wanted to create a report. V/ was desirous of prosecution if any of the three suspects are located and apprehended.

OFFICER'S STATEMENT: After taking V/ statement, I asked him if he could identify the suspects. He said he believed he could identify the two suspects who threw the rocks at him and was certain he could identify the suspect who threw his property into the ocean. Prior to his departure, I gave him a PVEPD business card containing this report number.

EVIDENCE: None.

ADDITIONAL INFORMATION: None.

REDACTED

GONZALES #143

Responsible LEO:

HELUZCA #177

Approved by:

11-15-14

Date

11/15/14

CITY124

Officer Report for Incident 14-11980

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Supplement

CAD Call info/comments

RP STATED THAT TWO WEEKENDS AGO HE WAS ASSAULTED BY TWO SURFERS

11/15/14

CITY125

Officer Report for Incident 14-11980

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REDACTED

Property

Property Number: 11677

Item: IPHONE 4

Owner Applied Nmbr:

Brand: APPLE

Model: 8GB

Year: 0

Quantity: 1

Meas:

Serial Nmbr:

Total Value: \$250.00

Color: SIL

Owner:

Agency: PVEP PALOS VERDES ESTATES PD

Tag Number:

Accum Amt Recov: \$0.00

Officer: A. Gonzales

UCR: OFF Office Equipment

UCR Status: DDV

Local Status: III

Storage Location:

Crime Lab Number:

Status Date: 11/15/14

Date Released: **/**/**

Date Recov/Rcvd: **/**/**

Released By:

Amt Recovered: \$0.00

Released To:

Custody: **.**.** **/**/**

Reason:

Comments:

Property Number: 11678

Item: Glasses

Owner Applied Nmbr:

Brand: COACH

Model: ---

Year: 0

Quantity: 1

Meas:

Serial Nmbr:

Total Value: \$280.00

Color: BLK

Owner:

Agency: PVEP PALOS VERDES ESTATES PD

Tag Number:

Accum Amt Recov: \$0.00

Officer: A. Gonzales

UCR:

UCR Status: DDV

Local Status: III

Storage Location:

Crime Lab Number:

Status Date: 11/15/14

Date Released: **/**/**

Date Recov/Rcvd: **/**/**

Released By:

Amt Recovered: \$0.00

Released To:

Custody: **.**.** **/**/**

Reason:

Comments:

Property Number: 11679

Item: Shoe

Owner Applied Nmbr:

Brand: NIKE

Model: AIR

Year: 0

Quantity: 2

11/15/14

CITY126

Officer Report for Incident 14-11980

Page 7 of 8

REDACTED

Meas:	Serial Nmbr:
Total Value: \$0.00	Color: WHI
Owner:	Tag Number:
Agency: PVEP PALOS VERDES ESTATES PD	Officer: A. Gonzales
Accum Amt Recov: \$0.00	UCR Status: DDV
UCR: CAF Clothing and Furs	Storage Location:
Local Status: III	Status Date: 11/15/14
Crime Lab Number:	Date Recov/Rcvd: **/**/**
Date Released: **/**/**	Amt Recovered: \$0.00
Released By:	Custody: **,**,** **/**/**
Released To:	
Reason:	
Comments:	
Property Number: 11680	Owner Applied Nmbr:
Item: Watch	
Brand: SEIKO	Model: DIVER
Year: 0	Quantity: 1
Meas:	Serial Nmbr:
Total Value: \$600.00	Color: SIL
Owner:	Tag Number:
Agency: PVEP PALOS VERDES ESTATES PD	Officer: A. Gonzales
Accum Amt Recov: \$0.00	UCR Status: DDV
UCR: JEW Jewelry & Precious Metals	Storage Location:
Local Status: III	Status Date: 11/15/14
Crime Lab Number:	Date Recov/Rcvd: **/**/**
Date Released: **/**/**	Amt Recovered: \$0.00
Released By:	Custody: **,**,** **/**/**
Released To:	
Reason:	
Comments:	

11/15/14

CITY127

Officer Report for Incident 14-11980

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REDACTED

Name Involvements:

Complainant :

Last:	First:	Mid:
DOB:	Dr Lic:	Address:
Race: W	Sex: M	Phone:
		City:

11/15/14

CITY128

Exhibit 2

Palos Verdes police chief promises to take on the 'Bay Boys' of Lunada



Sef Krell is an attorney and a surfer who said he was harassed last year by 'Bay Boys' who try to drive away visitors who come to surf at Lunada Bay in Palos Verdes. He filed a police complaint but the case has not been solved. (Mark Boster / Los Angeles Times)



By Garrett Therolf

DECEMBER 30, 2015, 2:30 AM

At the beginning of the big wave season last December, Sef Krell began his descent down a steep pathway from a coastal bluff to Palos Verdes' Lunada Bay, one of Southern California's most storied — and notorious — surfing spots.

Suddenly, Krell found himself being pummeled by dirt clods thrown from above by men yelling at him to go home. They didn't want a stranger using a public beach they considered off-limits to outsiders.

Krell had braved a beach that for decades has been known for its hooligan-enforced insularity. Surfers who are not local proceed at their peril, while authorities look the other way.

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This year, however, as Lunada Bay once again enters prime surfing season, Palos Verdes' new police chief, Jeff Kepley, is promising a change.

"I'm not so naive to believe that we can solve this instantly or overnight," Kepley said. "It took 50 years to get here. Hopefully, it won't take that long to resolve, but I think it's very important to get the word out as aggressively and enthusiastically as we can that the status quo is going to be mixed up around here."

Patrols are being added to the coast. Officers are working overtime. And Kepley said he hopes to make the first arrest in years of one of the assailants.

"We will make an example out of anyone who behaves criminally down there," he said.

Krell wishes the police had been that vigilant last year. Undaunted by the harassment, he kept going, walking past kayaks the locals leave unlocked because they have no fear of intruders, not with the "Bay Boys" there to drive away visitors.

Krell put his surfboard in the water and paddled out, leaving a bag of belongings on the shore. The Bay Boys emptied it into the ocean. They began throwing rocks.

"I'm in the water alone and there are people yards away throwing dangerous missiles at me," said Krell, a criminal defense and personal injury attorney. "I don't have any way to protect myself because that culture is allowed to continue without the type of law enforcement that I would expect."

Beaches often breed territorial tensions, but here, amid homes that routinely sell for millions of dollars, the tactics are unusually fierce. Too many surfers want to ride too few waves. Newcomers seeking entry have retreated in the wake of flattened tires, snapped antennas and slurs scribbled with surf wax on their cars.

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The police have repeatedly pledged to rid their coast of bad behavior, but critics say enforcement is weak.

Earlier this year, a dispatcher at the police station was caught on camera by The Guardian newspaper saying: "We know all of them. They are infamous around here."

"They are pretty much grown men in little men's mind-set," she said. "They don't like anyone who isn't one of the Bay Boys surfing down there. It literally is like a game with kids on a schoolyard to them, and they don't want you playing on their swing set. It is what it is. If you feel uncomfortable, you know, then don't do it."

For some, the tape seemed to confirm a view that the police take a hands-off approach to the Bay Boys and might even share some of their disdain for outsiders.

In 1995, protesters demonstrated against the harassment. Police responded by checking the protesters' cars for expired tags and broken headlights before later clearing the entire bluff, citing a bomb threat, according to the Easy Reader newspaper.

Two years later, police ordered a television news crew out of the area, according to the Easy Reader.

“

Those Bay Boys are a lot more sinister than people know.

— Geoff Hagins, a longtime activist

"Those Bay Boys are a lot more sinister than people know," said Geoff Hagins, a longtime activist who lamented that a video camera aimed at the water was removed a decade ago by the City Council after community opposition.

"It is a bully system, and it is supported by the community and the police," said Hagins, who alleged that he and his elderly parents reported death threats from members of the Bay Boys in recent years.

Kepley, who arrived in Palos Verdes over a year ago, said he couldn't be held accountable for the past, but "if we did discount a claim, and I'm not saying we did, we are going to make sure we do the right thing."

Kepley said a recent spike in residential burglaries has "residents up in arms and is the real headline down here," but officers are still making frequent visits to the bluff above Lunada Bay to look for trouble.

And Kepley pushed back against the perception that the Bay Boys — who are largely white and middle-aged — are representative of the city's people.

"People say this city is a bunch of snobs," Kepley said. "I have to tell you, I have not met that person yet. I don't see any snootiness in the people I come across."

Krell said he will wait and see if the police are serious — but he has his doubts. He filed a complaint last year and his case remains unsolved, in part, he says, because detectives didn't follow up adequately.

"Doing a drive-by of the bluff when there aren't any waves isn't going to do anything," said Krell, an avid surfer from Encino who has traveled to Oahu, Hawaii, Baja California and Fiji in search of the world's best waves.

"The chief needs to put detectives on the cliff in plainclothes when there is going to be [a] swell," he said. "And they need to do what any other police departments do: real field investigations with suspect descriptions and names and phone numbers."

garrett.therolf@latimes.com

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A version of this article appeared in print on December 30, 2015, in the News section of the Los Angeles Times with the headline "Taking on 'Bay Boys' of Lunada - Palos Verdes police chief vows to clamp down on turf tensions in prime surfing spot." — Today's paper | [Subscribe](#)

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